

REMARKS

Applicants have carefully reviewed and considered the Office Action mailed on July 21, 2003, and the references cited therewith.

Claims 1-20 are now pending in this application.

§102(e) Rejection of the Claims

The Examiner rejected claims 1-20 as being anticipated under 35 USC § 102(e) by U.S. Patent No. 6,349,290 (hereinafter “Horowitz”). It is fundamental that in order to sustain an anticipation rejection each and every step or element in the rejected claims must be taught or disclosed in the cited reference. The Horowitz reference fails to teach or disclose concurrent customer interactions occurring over two separate channels as is recited in Applicants’ independent claims.

Applicants’ continue to respectfully disagree with the Examiner’s conclusion that Horowitz teaches concurrent interactions with a customer that occur within a session over multiple channels. (Emphasis added). The Examiner’s cites a number of reference locations from Horowitz in which a customer is using a single and same channel of communication to perform multiple interactions. (Emphasis added). Nowhere in Horowitz is there a teaching or even a suggestion of a teaching where a customer concurrently interact over two separate and distinct channels of communication.

(Emphasis added). Applicants respectfully assert that the reference locations within Horowitz provided by the Examiner in support of this limitation do not even remotely suggest that customer interactions are occurring over two separate and distinct channels. (Emphasis added). This limitation is clearly recited in Applicants’ independent claims.

As an example, and in support of Applicants’ assertions, the Examiner’s attention is directed to Horowitz col. 5, lines 1-4, where it is stated: “[t]he presentation engine . . . deciphers the customer’s touchpoint (*sic*) channel and molds a customer token according to . . . the touchpoint (*sic*) channel.” (Emphasis added).

In fact, Horowitz does not even foresee the ability to concurrently interact with a customer within a single session using two separate and distinct channels. (Emphasis added). The Examiner’s attention is directed to Horowitz col. 18, lines 46-57 where it is

stated: “the scenario of the session . . . is somewhat dependent on the touchpoint.

(Emphasis added). In Horowitz, if more than one channel is used there are two separate sessions that occur, not a single session that includes two separate and distinct channels as recited in Applicants’ independent claims. *E.g.*, Horowitz, Fig. 3, reference numerals 14, 20 and 22 and col. 8 lines 35-54. Horowitz does not know how nor does it attempt to explain how two separate channels having interactions with the same customer can be concurrently normalized into a single integrated session.

Applicants respectfully assert that this teaching is devoid in Horowitz and is the essence of Applicants’ independent claims and invention. The reference locations in Horowitz cited by the Examiner do not provide this important distinction and teaching. As was explained by the Applicants in the response to the last office action, Applicants’ independent claims permit a single customer to concurrently interact with an enterprise over two separate communication channels during the same customer session. This means that a customer can use the Internet to view and interact with a website of the enterprise and concurrently use a phone to interact with a customer service representative. The enterprise will treat both communications (using two separate and distinct communication channels) as a single customer session and keep both channels in synchronization with one another because both channels are viewed as a single customer session. Horowitz cannot do this and actually teaches to the contrary, namely that a separate session is established for separate communication channels.

Thus, the Horowitz reference fails to teach or disclose each and every element or step in Applicants’ independent claims 1, 6, 11, 16, and 18. Correspondingly, the Applicants respectfully request that the rejections with respect to claims 1, 6, 11, 16, and 18 be withdrawn.

Conclusion

Applicants respectfully request that the Examiner reconsider the present rejections in view of the remarks presented herein. Moreover, Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney ((513) 942-0224) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No.19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandra, VA 22313-1450, on this 16th day of October, 2003.

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